

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:19-CR-00079-RJC-DCK

USA

v.

JAVIER GUILLEN ISLAS

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ORDER

THIS MATTER comes before the Court on the defendant's pro se Motion to Reduce Sentence, pursuant to 18 U.S.C. § 3582(c)(2). (Doc. No. 49).

Title 18, United States Code, Section 3582(c)(2) allows a court to reduce a sentence based on a guideline range that has been subsequently lowered by the Sentencing Commission. Here, the defendant has not identified any guideline amendment listed by the Commission as being retroactively applicable. USSG §1B1.10(a)(1), (d). Rather, he seeks a downward departure based on sentencing benefits that allegedly are not available to him as a deportable alien. (Doc. No. 49: Motion at 2). Thus, he is not entitled to relief.

IT IS, THEREFORE, ORDERED that the defendant's Motion to Reduce Sentence, (Doc. No. 49), is **DENIED**.

Signed: April 18, 2022



Robert J. Conrad, Jr.
United States District Judge

